

**ASSEMBLY BILL NO. 557
(Second Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 557 (Second Reprint) with my recommendations for reconsideration.

This bill seeks to codify existing education regulations concerning anti-nepotism policy requirements for boards of education of school districts and county vocational school districts, as well as for boards of trustees of charter schools. I applaud the sponsors for recognizing the need to ensure that schools hire the most qualified people based on their credentials and not based on who they know. This bill strengthens the existing regulations by codifying them into statute.

Amendments made to the bill, however, remove a section of the bill that mirrors an important provision in our existing regulations. Because this bill otherwise codifies the entirety of the existing regulations, eliminating this important section from the bill could be construed to undermine the Commissioner of Education's authority to enforce the existing regulation. My recommended revisions make technical changes to correct this omission and ensure consistency with current regulations.

Therefore, I herewith return Assembly Bill No. 577 (Second Reprint) and recommend that it be amended as follows:

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| <u>Page 2, Title, Line 1:</u> | Delete "nepotism" and insert "anti-nepotism" |
| <u>Page 2, Title, Line 2:</u> | Delete "and chapter 36A" |
| <u>Page 2, Title, Line 3:</u> | After "Statutes" insert "and P.L.1995, c.426 (C.18A:36-1 et seq.)" |
| <u>Page 2, Section 1, Line 8:</u> | Delete "act ;" and insert "section: 'Immediate Family Member' means the person's spouse, partner in civil union as defined in section 92 of P.L.2006, c.103 (C.37:1-33), domestic partner as defined in |

section 3 of P.L.2003, c.246 (C:26:8A-3), or dependent child, residing in the same household;"

- Page 2, Section 1, Line 10: Delete "section 2" and insert "section 92"
- Page 2, Section 1, Line 23: After "a" delete "nepotism" and insert "anti-nepotism"
- Page 2, Section 1, Line 23: After "The" delete "nepotism" and insert "anti-nepotism"
- Page 3, Section 1, Line 27: Delete "and"
- Page 3, Section 1, Line 28: After "provision" insert "prohibiting a district administrator including a director of personnel, or a school board attorney, or a board member, who has an immediate family member who is a member of the same Statewide union in another district from participating in any way in negotiations including, but not limited to, being a member of the negotiating team or being present with the school board in closed sessions when negotiation strategies are being discussed, prior to the school board attaining a tentative memorandum of agreement with the bargaining unit that includes a salary guide and total compensation package. Once the tentative memorandum of agreement is established, a district administrator including a director of personnel, or school board attorney with an immediate family member who is a member of the same Statewide union in another district may fully participate in the process, absent other conflicts. Notwithstanding the provisions of this paragraph to the contrary, a district administrator including a director of personnel, or a school board attorney who has an immediate family member who is a member of the same Statewide union in another district may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide such information; and"
- Page 3, Section 1, Line 48: Before "providing" insert "(6) a provision"

Page 4, Section 1, Line 13:

Delete "nepotism" and insert
"anti-nepotism"

Page 4, Section 2, Line 16:

Delete "nepotism" and insert
"anti-nepotism"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor